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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 ROBERT H. NESBITT JR.,

No. CIV-S-03-2243 MCE/DAD P

12 Plaintiff,

13 v.

ORDER

14 NEIL WAKABAYSHI, ET AL.,

15 Defendants.
16 _____/

17 Plaintiff, an inmate confined in the Solano County Jail, is
18 proceeding pro se with a civil rights action seeking relief under
19 42 U.S.C. § 1983. The matter was referred to a United States
20 Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local
21 General Order No. 262.

22 On August 17, 2005, the magistrate judge filed findings and
23 recommendations herein which were served on all parties and which
24 contained notice to all parties that any objections to the
25 findings and recommendations were to be filed within ten days.

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1 Defendants have filed timely objections to the findings and
2 recommendations.

3 In accordance with the provisions of 28 U.S.C.
4 § 636(b)(1)(C) and Local Rule 72-304, this court has conducted a
5 de novo review of this case. Having carefully reviewed the
6 entire file, the court finds the findings and recommendations to
7 be supported by the record and by proper analysis.

8 Accordingly, IT IS HEREBY ORDERED that:

9 1. The findings and recommendations filed August 17, 2005
10 are adopted in full;

11 2. Defendant Cueva's December 6, 2004 motion for summary
12 judgment (docketed as #110) is granted in part and the conspiracy
13 allegation in claim 1 is dismissed without prejudice;

14 3. Defendant Putnam's December 10, 2004 motion for summary
15 judgment (docketed as #116) is granted in part and the conspiracy
16 allegation in claim 1 is dismissed without prejudice;

17 4. Defendant Johnson's December 10, 2004 motion for summary
18 judgment (docketed as #122) is granted in part and the conspiracy
19 allegation in claim 1 is dismissed without prejudice;

20 5. Defendant Gray's December 15, 2004 motion for summary
21 judgment (docketed as #131) is granted in part and the conspiracy
22 allegation in claim 1 is dismissed without prejudice;

23 6. Defendant Eakin's December 16, 2004 motion for summary
24 judgment (docketed as #137) is granted in part, the conspiracy
25 allegation in claim 1 is dismissed without prejudice, and claim 8
26 is dismissed with prejudice;

1 7. Defendant Cathleen Bidou's December 16, 2004 motion for
2 summary judgment (docketed as #143) is granted in part, the
3 conspiracy allegation in claim 1 is dismissed without prejudice,
4 and claim 8 is dismissed with prejudice;

5 8. Defendant Wakabayashi's December 27, 2004 motion for
6 summary judgment (docketed as #152) is denied;

7 9. Defendant James' December 28, 2004 motion for summary
8 judgment (docketed as #160) is granted in part, the conspiracy
9 allegation in claim 1 is dismissed without prejudice, and claim 3
10 is dismissed with prejudice;

11 10. Defendant Davis' January 7, 2005 motion for summary
12 judgment (docketed as #177) is granted in full, claim 4 is
13 dismissed with prejudice, and claim 6 is dismissed without
14 prejudice;

15 11. Defendant Matt Bidou's January 7, 2005 motion for
16 summary judgment (docketed as #184) is granted in part, the
17 conspiracy allegations in claims 1 are dismissed without
18 prejudice, claim 6 is dismissed without prejudice, and claims 3
19 and 8 are dismissed with prejudice; and

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1 12. Defendant Marsh's January 7, 2005 motion for summary
2 judgment (docketed as #190) is granted in part, claim 7 is
3 dismissed with prejudice to the extent that the claim has been
4 brought against the defendant in his official capacity, and claim
5 8 is dismissed with prejudice.

6 DATED: September 20, 2005

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9 MORRISON C. ENGLAND, JR.
10 UNITED STATES DISTRICT JUDGE
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